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Leftist and/or “progressive” governments of Latin America and the challenges posed by the crisis of civilization

With the recognition of the deep civilization crisis and the limits of the planet, any project for a democratic transformation of society necessarily has to include radical alternatives to the predatory logic of this society of progress and of subjugation/exploitation of so-called «nature». This requires, in the first place, an anticapitalist option. The logic of capitalist accumulation requires permanent expansion into new territories, the appropriation of new «resources», energies, markets and the labor force. That pattern of unlimited growth has ceased to be compatible with human life on the planet. Capitalism requires continuous growth as a condition for its own existence. Capitalism with zero growth or with negative growth is simply not possible. But anti-capitalism is no longer enough. While capitalism has been the most powerful historical expression of a society of boundless growth and war against the conditions that make life possible, it does not exhaust this model. As the Soviet experience showed, a society without private property can be as developmentalist, productivist and predatory as capitalism.

In these new historical times, the challenges we face are not the same as those of the last century, nor can the theoretical and conceptual tools be the same. The recognition of the limits of the planet imposes new epistemological demands: we cannot think of «society» as something separate from the «nature», nor accept the pretensions of the economy to disregard the inevitably material underpinnings of production. As Enrique Leff states, first of all, we face a crisis of knowledge, of a pattern of knowledge «through which the humanity has built and destroyed the world by its claim of universality, generality and totality; by its objectification and reification of the world.»¹

Equally, the confrontations between alternative models of society in conflict cannot be conceived -as was the case in the linear Eurocentric nineteenth century imaginary- in a single axis from left to right, capable of accounting for all the most significant issues and conflicts in society. Today it is possible to find radically anti-imperialist national projects that are socially conservative, undemocratic and deeply patriarchal, as evidenced by the case of Iran. There are political and social transformations that from an economic and geopolitical perspective contribute to undermine the global unipolar order of US hegemony, and at the time expand capitalist relations of production/exploitation/degradation in their most crude forms, as is currently the case in China. We also find processes of democratization of society, with greater equality and the expansion of popular organization and participation, without questioning the hegemonic patterns of civilization or the dichotomous ruptures between society and nature.

In the current processes of change in Latin America these different dimensions are articulated in the form of complex struggles and confrontations over different issues: democracy; equality; participation; anti-imperialism and national and/or regional autonomy; integration; conflicts between monocultural and alternatives **pluricultural** and **multinational** models of society; tensions between state control and autonomy of grass-roots organizations; between development (either in the name of capitalism or XXI Century socialism) and indigenous and peasant peoples and communities that struggle to preserve and construct other modes of living, etc., etc. Between these different dimensions and levels of conflict there are both tensions and complementarities.

To what extent are the so-called leftist or «progressive» governments in Latin America, even the most radical ones, taking steps in the address of the construction of effective alternatives to this model of civilization and

1. Enrique Leff, 2004 «Más Allá de la Interdisciplinariedad. Racionalidad Ambiental y Diálogo de Saberes» en Seminario Internacional «Diálogo sobre la Interdisciplina» (Guadalajara: Observatorio Internacional e ITESO) September 27-28.

its relations with the rest of the so-called «nature»? The model of integration of Latin America in the world market, since the colony, has been characterized by a division of labor in which this continent provides primary products. This is, a pattern of production based on the exploitation of the so-called "natural resources". In global terms there have been few changes in this model of production as a result of the political changes on the last

decade. According to data from ECLAC, there are no significant differences between the governments of right and of the left (or progressive) in this regard. In most of the South American countries, in recent years, the relative value of primary exports in the total value of exports has remained at the same level or even increased, some cases, significantly.

Evolution of the value of primary exports in South American countries according to their contribution to the total value of exports.

País	1995	2000	2004	2005	2006	2007
Argentina	66,1%	67,5%	71,2%	69,3%	68,2%	69,0%
Bolivia	83,5%	72,3%	86,7%	89,4%	89,8%	91,9%
Brazil	46,9%	42%	47,0%	47,3%	49,5%	51,7%
Chile	86,8%	84,0%	86,8%	86,3%	89,0%	89,6%
Colombia	65,8%	65,9%	62,9%	65,3%	64,4%	60,8%
Ecuador	92,4%	89,9%	90,7%	91,0%	90,4%	91,3%
Paraguay	80,7%	80,7%	87,3%	82,9%	84,1%	...
Peru	86,5%	83,1%	83,1%	85,3%	88,0%	87,4%
Uruguay	61,3%	58,5%	68,4%	68,5%	68,7%	68,9%
Venezuela	85,8%	90,95	86,9%	90,6%	92,7%	...
Andean Community	77,5%	75,25	76,1%	78,5%	79,6%	77,8%
MERCOSUR	53,5%	50,8%	54,1%	53,5%	54,9%	56,4%

Data from: CEPAL. Anuario estadístico de América Latina y el Caribe 2008, Santiago de Chile, February 2009, p. 186.

What is at stake here refers not only to the discussions of previous decades about the *deterioration of the terms of trade* when primary goods are exported and industrial products are imported, or the desirability of *import substitution*. It is the role of Latin America in the global pattern of *accumulation by dispossession* (Harvey). Commodification advanced remarkably during the decades of neoliberal globalization. The political, cultural, economic, technological and legal obstacles faced by capital in its attempts to reach new territories and "resources" were systematically overcome during those years. The continent's participation in this model of accumulation was not only consolidated but deepened.

New technological innovations have made the exploitation of minerals and fossil fuels in regions and/or at depths that until a few years ago were beyond profitable reach. Innovations in the field of biology and genetic engineering have revealed the codes of life and have made their manipulation possible. The new regimes of patents and intellectual property have allowed the private ownership of life forms. These are the new frontiers of the capital. These are global processes that have their main scenarios in the South.

As happened during the Industrial Revolution in the United Kingdom, this is a process of appropriation/expropriation and privatization of the *commons* of life on the planet: waters, forests, minerals, land and knowledge. This predatory logic of the accumulation of dispossession is destroying the conditions that make life possible and are devastating the territories of peasants,

Afro-descendants and aboriginal communities throughout the world, especially in Latin America. With these productive patterns what is at stake is not only the economic choice between specialization as an exporter of primary products or industrial development. We are confronted with what can be characterized as the *final assault of capital on the commons that make life possible*.

The profound changes in the international division of labor that have displaced industrial activity and the most dynamic centers of the capitalist accumulation toward Asia, especially China and India have not altered the patterns of insertion of Latin America in the world market. As a result of the extraordinary growth rates of the Asian economies, there has been an increase both in demand and prices of most of the primary products exported by Latin America. There has been a significant diversification in the geographical destinations of exports, but not of the exported products.

The main South American countries, thanks to the reversal of the historical trends to the *deterioration of the terms of trade* in these years, paid most of their debts with international financial organizations, stockpiled foreign reserves and thus (potentially) acquired higher levels of autonomy to define their economic policies. These conditions opened the possibility of shifts in productive patterns to reverse the specialization on primary (or primary/predatory) exports. The broad social rejection of the neo-liberalism that has accompanied the installment of progressive governments in most of the countries of South America seemed to create conditions

conducive to give priority to other productive patterns. This has not happened. With very short-term outlooks, and as a result of the growing political and economic power of the (national and international) business sectors involved in these industries, in most of the countries these surpluses have been reinvested in the primary export sector. The governments that have sought adjustments in this model have faced strong resistance from the right wing opposition and most of the business community.

The composition of Latin American trade, with its most dynamic trade partner, China, illustrates that the geographical diversification in the destination of exports does not have to lead to productive diversification. Quite the opposite has happened. Primary products play a greater role in Latin America's trade with China than is the case with the United States and the European Union:

«Latin American exports to China are almost exclusively based on the extraction and intensive use of natural resources that are exported with little or no processing. Examples include soy, fish meal, grapes, sugar and copper. This places a great deal of pressure on ecosystems: the removal of natural resources from Latin America (soil, agriculture, biodiversity, water, fishing resources and energy resources) weakens communities' sovereignty over natural resources and territories and the services that they provide (food, water, etc.). The effects of this practice are particularly permanent in the case of mining.»²

Chinese direct investment in Latin America is likewise directed toward primary goods, especially in the mining and energy, seeking to ensure -through direct ownership- a guarantee of long term access to these resources.

In most of the countries with progressive or leftist governments, it is possible to identify important policies that not only do not question this predatory model, but on the contrary foster and consolidate it.

Mining, especially *open-pit mining*, is one of the economic activities that have generated greater conflicts with the peoples and communities affected by severe and irreversible environmental impacts that destroy their territories, especially through deforestation and soil and water contamination. It is one of the fastest growing activities in the continent, as well as one of the most attractive for international investment.³

One of the most paradigmatic confrontations with this predatory pattern of accumulation by dispossession has

2. Latin American exports to China increased by a factor of 14 between 1990 and 2004. Sara Larraín, M. Paz Aedo y Pablo Sepúlveda, «China y América Latina: Comercio e Inversiones». Conosur Sustentable, Fundación Heinrich Böll y Chile Sustentable, Santiago de Chile 2005, p. 47.

3. «Latin America has become the most important destiny of mining investment in the world. At the beginning of the 90s the region received 12% of the world's mining investments. At the beginning of the current decade this had almost tripled, capturing 33%». The impact of Mining in Latin America MAC: Mines and Communities, January 26, 2005. [<http://www.minesandcommunities.org/article.php?a=1264#sp>]

been the conflict between the mining interests and the struggle for the preservation of glaciers in the Andean mountain range between Chile and Argentina. The governments of these two countries have taken new steps in the direction of mega mining based on the *Bilateral Mining Treaty* of 1997 with the controversial Pascua Lama project carried out by the Canadian corporation Barrick Gold. This project will exploit minerals at more than 4,000 meters in the mountain range between the two countries. This will inevitably affect (most likely destroy) glaciers that are a fundamental source of water in the two sides of the mountains. This project was approved by both governments despite a strong resistance on the part of indigenous and environmental organizations and a broad rejection by public opinion. In 2008 the Congress of Argentina, by unanimous votes in both chambers approved the so-called *Law of Glaciers*, which prohibited activities that may affect the natural condition of glaciers or ... involving their destruction, displacement or interferences with their movements...⁴ This law was vetoed by the President Cristina Kirchner arguing that prominence could not be given to environmental protection over other activities that could be developed with "perfect protection for the environment."⁵

During the governments of the Kirchner in Argentina, the Frente Amplio in Uruguay and Lula in Brazil there has been a significant expansion of large-scale (monoculture) of eucalyptus and pine plantations for the production of cellulose, wood or biofuels, relying on subsidy policies and tax advantages. In Brazil alone there are more than six million hectares planted, mainly of eucalyptus trees. As the World Movement of Tropical Forests has stated, these monocultures of trees are not forests, and on the contrary have the following negative consequences: (1) losses of biodiversity 2) alteration of the hydrological cycle, 3) decline in food production, 4) soil degradation, 5) loss of indigenous and traditional cultures dependent on the original ecosystems, 6) conflicts with forestry companies related to land tenure in indigenous territories and other traditional communities, 7)

4. República Argentina. Secretaría de Ambiente y Desarrollo Sustentable 2008 Ley de presupuestos mínimos para la protección de los glaciares y del ambiente periglacial (Buenos Aires) 22 de octubre. In

[http://www.ambiente.gov.ar/archivos/web/AdCC/File/08leydepresupuestosminimos_glaciares.pdf]

5. This veto argues that: »Que la prohibición de actividades descripta en el referido artículo 6º del Proyecto de Ley, de regir, podría afectar el desarrollo económico de las provincias involucradas, implicando la imposibilidad de desarrollar cualquier tipo de actividad u obra en zonas cordilleranas. En este sentido, la prohibición de construcción de obras de infraestructura no toma en cuenta que muchas de ellas tienen carácter público y son de uso comunitario como los pasos fronterizos; y la prohibición de la exploración y explotación minera o petrolífera, incluyendo en dicha restricción aquellas que se desarrollen en el ambiente periglacial saturado en hielo, daría preeminencia a los aspectos ambientales por encima de actividades que podrían autorizarse y desarrollarse en perfecto cuidado del medio ambiente.» «Boletín Oficial de la República Argentina». Publicación del 11/11/08 - Decreto 1837/08 - Política Ambiental Nacional - Observa Proyecto de Ley 26.418, [<http://www.pctargentina.org/cristina1511.htm>]

decline of sources of employment in areas of tradition farming, 8) expulsion of the rural population, and 9) deterioration of the landscape in tourist areas.⁶

The most dynamic sector of the expansion of the agribusiness in South America in recent years has been in soybeans. Given a rapidly growing international demand and high levels of profit, agribusiness -has responded with a rapid increase of the extensions of crops in Argentina, Brazil, Paraguay and Bolivia. In addition to the negative impacts of monoculture and transgenic crops, the tremendous expansion of the soybeans has led to a greater concentration in land tenure and the displacement of peasants, affecting the production of other crops such as rice, maize, sunflower and wheat. This has also lead to a strengthening of the economic and political power of the business groups that participate in the different stages of production and marketing of the soybeans. This is what Syngenta, (one of the main agribusiness corporations), cynically and arrogantly, referred to as the *United Soya Republic*. It is estimated that in 2009, 18 million hectares of transgenic soybeans will be planted in Argentina, representing 50 per cent of the country's total agricultural surface. Some 200 million liters of the highly toxic Glyphosate will be used just for this crop.

The enormous power of agribusiness has been used to impose government policies favoring their interests, veto public policies they disagree with and even try to overthrow governments. In Bolivia, part of the leadership of the most radical opposition to the government of Evo Morales in the Media Luna, is constituted by soybean producers. In Paraguay, the processes of concentration of ownership of land and the struggles of displaced farmers are mainly focused around the planting of soybeans, especially by Brazilian producers. In Argentina, the right wing opposition to the government of Cristina Kirchner has grouped around soybean entrepreneurs, who reject exports taxes used by the government to finance public expenditure and moderate redistributive policies.

When the government of President Fernando Henrique Cardoso tried to authorize the introduction of transgenic soybeans in Brazil, the firm resistance of environmental organizations, the MST and the Workers Party (PT) managed to stop it. In spite of the ban, soybean producers planted large tracts of Monsanto Roundup Ready soybean in the southern part of the country. Once President, Lula instead of punishing this violation of the law, gave them a temporary amnesty and allowed them to harvest the crop. Finally, after strong conflicts within the government, the law was changed and these transgenic crops were authorized on a permanent basis. In addition to the other impacts characteristic of transgenic crops

and large-scale monoculture, the rapid expansion of the soybean frontier has become one of the prime determinants of Amazon deforestation.

There are few places in the world where there is such a clear-cut contrast between two agricultural models. One is what in schematic terms can be characterized as the Monsanto model (concentration of land ownership, widespread use of GMOs, mechanization, intensive use of agrochemicals, biofuels, priority to the international market, etc.). The other one is the MST model (redistribution of land, environmentally sustainable farming, priority to the production of food self-consumption, for the local and domestic market, food sovereignty, etc.)

The rapid expansion of the agribusiness in Brazil and its growing participation in the country's exports is not only the result of «market forces» or inevitable inertial results of decisions made during the boom of neoliberalism. It can, on the contrary, be understood as the result of current political options: the decision by the Lula government to give priority to agribusiness over peasant food production. According to the MST, during the 2007/2008 planting season the government granted credits for agribusiness for a total of 58 billion *reais*, and only 12 billion *reais* for peasant agriculture. The peasant land occupations have confronted both government repression and assassins at the service of the landowners.

The momentum given by the Lula government to the production of biofuels from sugar cane, in many cases with working conditions that have been characterized as slavery, confirm the nature of the government's basic civilizatory options. With the dubious argument that this would make a contribution to the protection of the environment, in 2007 Presidents Bush and Lula signed a technological cooperation pact to massively boost biofuel production. In 2007, 17 billion liters of ethanol were produced in Brazil. Given that it has the lowest production costs of the world, and large tracts of land, the expectation is that this production will increase significantly in the coming years. According to some estimates, in addition to the six million hectares of land already being used for this purpose, up to 24 million additional hectares could be realistically available.⁷ The promotion of mass production of ethanol has become one of the main motives for confrontations between peasant movements.

Two decisions in 2008 and 2009 once more confirmed these basic orientations. In February 2008, the National Council of Biosecurity decided to authorize the cultivation and marketing of two varieties of genetically modified corn from Bayer and the Monsanto. This was described by the Campaign for a Brazil Free of Transgenic as «the worst tragedy» of Lula's government.⁸

6. Movimiento Mundial por los Bosques Tropicales, «Los monocultivos de árboles no son bosques Tropicales, Declaración de profesionales y estudiantes forestales 2008», September 17 2008. [<http://www.biodiversidadla.org/content/view/full/43907>]. Also see: FASE-ES, Carbon Trade Watch and Transnational Institute. Where the Trees are Desert. Stories from the Ground, Amsterdam, noviembre 2003. [<http://www.tni.org/reports/ctw/trees.pdf?>]

7. Vicente Assis, Heinz-Peter Elstrodt, and Claudio F. C. Silva, Positioning Brazil for biofuels success, McKinsey Quarterly, March 2007.

[http://www.mckinseyquarterly.com/Food_Agriculture/Strategy_Analysis/Positioning_Brazil_for_biofuels_success_1950]

8. Fabiana Frayssinet, 2008 "Ambiente Brasil. Maíz transgénico, 'la peor tragedia' de Lula" in «IPS-Inter Press Service» (Río de Janeiro) February 16.

In June 2009, the government, through the Provisional Measure number 458, legalized the (up to that moment) illegal occupation of large tracts of the Amazon. A total of 67.4 million hectares of public lands was transferred to private hands, this being 674,000 square kilometers which corresponds roughly to the total surface of France.⁹

No country in Latin America faces greater challenges and difficulties than Venezuela in the search for alternatives to the prevailing productive model and civilizatory patterns. Not only is the economy based on oil exports, so is the state and the whole of society. The country as a whole is highly dependent on the continuation and expansion of the energy pattern that threatens human survival. After almost a century, an inertial rentier cultural logic is deeply installed in the country. The aspirations and demands that citizens make to the State assume the existence of a rich country with an ever expanding oil revenue. The standards of living of the privileged minorities of the country have for many decades been fed by oil. The social policies of the government of Chavez that have led to increased access to food, health services and education on the part of the broad popular sectors of the Venezuelan population have been possible thanks to the substantial increase of oil prices of these years. The main foreign policy initiatives, especially toward Latin America and the Caribbean, like Petrocaribe or various ALBA programs have been financed with these resources. It is therefore extremely difficult to imagine that this society can break its addiction to this drug.

In speeches by the President Chavez during the early years of his government the need to build an alternative, sustainable model of society was a recurrent theme. Sharing the diagnoses and criticisms of environmental movements, he stated once and again that in order to extend the current levels of consumption in the United States to all the inhabitants of the Earth, several planets would be required. However, during the 10 years of the Bolivarian process, the country's dependence on oil activity has only deepened. In 2008, oil accounted for 92 percent of the total value of Venezuelan exports. During these years there have been some significant changes in oil policy. Venezuela contributed to the recovery of OPEC and its ability to protect oil prices. There is more state control over the industry and a larger share the oil revenue is controlled by the state. However, what has not changed is the developmentalism of the national oil company, Petróleos de Venezuela (PDVSA), nor the role assigned to the oil in the development plans of the country. The idea of a Venezuela post-oil Venezuelan economy is simply not in the horizon...

During these 10 years there has been a sustained policy of investments and partnerships with international companies -state and private- both in gas and oil, in order to significantly increase production. According to Petróleos de Venezuela, once the reserves of the Orinoco were recorded as heavy oil and not as bitumen, the

country has the largest oil reserves of the planet, larger than Saudi Arabia's. Its gas reserves are the most important in South America, if recent offshore discoveries are counted, among the largest in the world. In the case of the Orinoco Reserve, agreements have been signed for the quantification and certification of the reserve's volumes' with companies from India, Russia, China, Spain, Iran and Brazil. In the Strategic Plans for the Development of Gas, in addition to investments from US corporations there are investments by companies from Italy (ENI) and Norway (STATOIL). According to PDVSA's Web Site, the company estimates that the country's oil production will climb to five million 847 thousand barrels per day by 2012.¹⁰ This represents an increase of 72 per cent compared to average daily production for 2006. To achieve this leap in levels of production, a large proportion of the national territory, including immense extensions of the territorial waters, will be open for oil and gas extraction.

Oil and gas play a central role in the first national development plan that was conceived as socialist: the *National Simon Bolivar Project*. One of the seven objectives defined this development project is to convert to Venezuela into a mayor world energy power. According to this project «Oil will continue to play a decisive role in the capture of foreign resources, the generation of productive investment, the satisfaction of energy the needs and the consolidation of a Productive Model Socialist».¹¹

Another expression of the extent to which there are fundamental continuities in the energy patterns based on hydrocarbons is the policies in relation to the domestic market. A liter the highest priced high-octane so-called «ecological petrol» is sold in Venezuela for approximately five US cents. Politically this is a very sensitive issue in Venezuela. These low subsidized fuel prices are regarded as a sort of historical right acquired by the Venezuelan population, who own these abundant hydrocarbon resources. As part of the structural adjustment program carried out during the second government of President Carlos Andrés Pérez, the price of gasoline was increased and with it, public transportation fares. This was the main booster of the popular revolt known as the Caracazo in February 1989.

The most important conflicts due to the negative environmental impacts of the government's development policies have occurred in the Sierra of Perijá (state of Zulia). This has been a conflict between cattle ranchers and coal mining and the indigenous communities that live in these territories. In these conflict the government seems to have decided in favor of coal mining interest (including state coal mines) and cattle ranchers over the constitutional rights of the peoples living in the area,

9. Plínio Teodoro, «MP 458: Antes de começar a ler, respire profundamente», MST, 25 de junio, 2009 [http://www.mst.org.br/mst/pagina.php?cd=6994]

10. Petróleos de Venezuela, S.A. (PDVSA) 2005b «Exploración y Producción» (Caracas). [http://www.pdvsa.com/index.php?tpl=interface.sp/design/readmenuprinc.tpl.html&newsid_temas=81].

11. República Bolivariana de Venezuela. Presidencia 2007 «Proyecto Nacional Simón Bolívar. Primer plan socialista. Desarrollo económico y social de la nación 2007-2013» (Caracas) September. In [http://www.mpd.gob.ve/Nuevo-plan/plan.html].

(the barí, yukpas, japreria and wayúu), the preservation of scarce water sources and the rich biodiversity of these territories. In spite of what is clearly established in the 1999 Constitution, virtually no progress has been achieved during the last ten years in the delimitation of indigenous territories.

In Bolivia and Ecuador, as nowhere in the world today, the result of a history of presence, political organization and struggles of indigenous peoples, a confrontation between alternative patterns of civilization occupies a central stage in the current political processes. The alternative horizons of these constitutional processes are not only conceived as anticapitalist, but as a rupture with the civilization of unlimited growth and systematic domination of so-called nature. The guiding goal is not the achievement of the unfinished historical task of the universalization of *monocultural liberal individual citizenship*. The goal is the recognition of the cultural plurality of these societies expressed in the construction of multinational pluricultural states. There are tensions between political projects more closely identified with the traditions of the left or associated with a socialist imaginary, and the social dynamics aimed at a deep decolonization of society. The concepts of the good life (the quechua *sumak kawsay*) and the live well (the aymara *sum qamaña*) summarize the radical nature of this horizon of transformation.

The constitutional texts of these two countries represent a fundamental breach both with the liberal constitutional tradition, as with the projects of the left of the last century.

These constitutions more than arrival points, they should be understood as programs or strategies for the transformation of society. They express imaginaries and platforms of *another possible world*. However, as is the case in the rest of the continent, these are complex societies that have been subjected to centuries of colonization. They are not at the margins of capitalism, that machine of systematic creation of greed and individualistic subjectivities. These are deeply divided societies in which the historically privileged social sectors, as it has demonstrated the action of the right in the Media Luna in Bolivia, are willing to prevent these transformations at any cost.

In Ecuador, and for the first time in a constitutional text, «nature» is conceived as a subject of rights. This constitutes a radical break with the Cartesian dualism that has characterized Western modernity.

«Art. 72. Nature or Pachamama, where life is reproduced and realized, has the right to be integrally respected in its existence and the maintenance and regeneration of its life cycles, structures, functions and evolutionary processes. Every person, community, people, or nationality may demand that public authorities guarantee the fulfillment of these rights of nature. In order to implement and interpret these rights, the principles set out in the Constitution, as far as appropriate, will be observed.»

The State will encourage to individuals and corporations, and collectivities to protect the nature, and promote respect for all the elements that form an ecosystem.

«Art. 73. The nature has the right to the integral restoration. This restoration is independent of the obligation for the State, and the natural or legal persons to compensate individuals and groups that depend on natural systems affected. In the cases for serious or permanent environmental impact, including that caused by the exploitation of the non renewable natural resources, the State will establish the most effective mechanisms to achieve the restoration, and take appropriate measures to eliminate or mitigate the harmful environmental consequences.»¹²

As part of this conception of nature as a subject of rights the *principle of precaution* is incorporated in the Constitution in relation to GMOs.

«Art. 74. The State will implement precautionary measures and restrictions for activities that could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles. The introduction of agencies, organic and inorganic material organic that may alter the national genetic patrimony will be prohibited.»

However even in this country with a constitutional text that implies the most radical rupture with the notion of nature as an object, or as a resource to be used at a whim by humans, attempts to alter the modes of production and hegemonic civilizatory patterns face fierce resistance. These come not only from the opposition and business community, but also from within political organizations and government officials identified with the process of change defined in the Constitution. The government's policies are not always consistent with that text. There is a strong tension between the notions of the *good life*, the *rights of nature* and *pluriculturalism* on one hand, and the *developmentalism* expressed in some of the decisions of the Correa government. Some policies seem to point in clearly diverging directions.

In full accordance with the spirit and text of the constitution (although prior to the constitutional process), Ecuador formulated an innovative proposal concerning the main global concern in relation to climate change: the impact of fossil fuels. The proposal is that the abundant oil reserves of the ITT field in the Yasuní National Park in the Ecuadorian Amazon be left underground, that is, without exploitation. (This is almost a quarter of country's proven reserves). This is proposed as a contribution to the reduction of global warming and the preservation of one of the most biodiverse areas of the planet. This would also protect the territories of the aboriginal inhabitants of the area. This proposal, which represents a radical break with the hegemonic productivist/extractive model, requires, as a counterpart, within the logic of *environmental justice*, that a *compensation*

12. República del Ecuador 2008. Constitución de 2008. In [<http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html>].

fund is created. This would be financed through the collaboration and solidarity of the international community.

In contrast with this proposal, in January 2009 Congress adopted a new Mining Law. This was denounced by the main indigenous organizations and environmental groups. They claimed that it would impact the rights to a *good life* and the *rights of nature* such as these are guaranteed by the Constitution. The expansion of mining -in particular the open-pit mining- authorized by this act would produce pollution of land, rivers and aquifers. It was also argued that a law of such transcendence for the country was adopted without a national debate and that its content had not been consulted with indigenous

communities, peoples and nationalities as established by the Constitution, when a piece of legislation might affect their collective rights.

In March 2009, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) introduced to the Constitutional Court of Ecuador a *demand of unconstitutionality* against the act arguing that it violates numerous articles of the Constitution, as well as the main international legal instruments that protect the rights of indigenous peoples. The main environmental organization of Ecuador, Acción Ecológica, joined in this demand.

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